



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, NOVEMBER 16TH, 2006
6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:03 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Robert Horton, Mr. Art Hughes, Mr. G.H. Jones, and Mr. Don Maxwell.

Commission member absent was: Mr. Michael Parks (excused)

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Martin Zimmermann, Senior Planner; Mr. John Dean, Transportation Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Commissioner Beckendorf filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #10, Rezoning RZ06-43. Commissioner Beckendorf will not participate in deliberation or voting on this agenda item.

Commissioner Horton filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #11, Rezoning RZ06-44. Commissioner Horton will not participate in deliberation or voting on this agenda item.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from workshop and regular meetings on November 2, 2006.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF A RESUBDIVISION

5. PUBLIC HEARING/CONSIDERATION – Replat RP06-12

M. Zimmermann

A proposed replat of Lots 1 and 2 in Block 215 of the Bryan Original Townsite, located at the northeast corner of West Martin Luther King Jr. and North Congress Streets in northwest central Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann advised the Commission that the applicants propose to reorient these two lots so that the front property lines adjoin North Congress Street. Both lots are proposed to be single-family home sites. The Site Development Review Committee and staff recommend approving this proposed replat.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to approve Replat RP06-12. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF VARIANCES (Commission has final approval; appeals may be directed to City Council.)

6. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-26

R. Haynes

Two variances from the minimum 7.5-foot side building setback and a variance from the minimum 25 foot front building setback, to legitimize construction of a carport and a storage building on property located at 1804 Patton Drive, specifically occupying Lot 8 in Block 8 of the Milton Darwin's Subdivision – Phase 2 in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that there are three variances requested: one to legitimize previous construction of a carport and two to legitimize previous construction of a storage building. Staff finds that both structures are potentially detrimental to the public health and the safety of area properties. A considerable amount of storm water drains onto adjacent lots from both structures. In addition, close proximity of the building structures could facilitate the spread of fire. Staff recommends denying all three requests for variance.

The public hearing was opened.

Ms. Rosemary, of 1811 Patton Avenue, Bryan, Texas interpreted for Ms. Maria Romero, of 1800 Patton Avenue, Bryan, Texas who came forward to speak against the variance requests. Ms. Gomez advised the Commission that storm water drains from the carport into her yard and under her house.

Ms. Mary Gomez, of 1804 Patton Avenue, Bryan, Texas, applicant, advised the Commission that she intends to demolish both the carport and the storage building to come into compliance with the ordinance.

The public hearing was closed.

Commissioner Clark moved to deny all three variances requested with Planning Variance PV06-26, accepting the findings of staff. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF REZONINGS (Commission makes recommendation; City Council has final approval.)

7. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-37

M. Zimmermann

A request to change the zoning classification from an 'I' Industrial District to a 'PD' Planned Development District to allow a wholesale plant nursery on 3.93 acres of land located on the west side of the 2000 block of Finfeather Road between Cottage Grove Circle and Northcrest Drive in southwestern Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann advised the Commission that the applicant is a prospective purchaser of this property who desires to operate a wholesale plant nursery for the growth, display and/or sale of plants, shrubs and trees at this location. Proposed development features include outdoor display areas and greenhouses as well as an area where office and storage building and off-street parking are planned. Staff recommends approval of this proposed Planned Development District. The proposed development appears to be compatible with existing and anticipated land uses surrounding this site. Staff contends that even a very successful wholesale plant nursery operation at this location should have minimal (if any) adverse impacts on the living comfort in the adjoining residential neighborhood.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ06-37, as requested, accepting the findings of staff. Commissioner Horton seconded the motion, and the motion passed with a unanimous vote.

8. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-41

J. Dean

A request to change the zoning classification from 'RD-5' Residential District - 5000 to 'R-NC' Residential Neighborhood Conservation District for all lots in the Briargrove Subdivision – Phases 1 & 5, located in Bryan, Brazos County, Texas.

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the property owners within the Briargrove Subdivision Phases 1 and 5 have submitted a complete petition for a City-initiated zoning change to an 'R-NC' Residential Neighborhood Conservation District on all 24 lots in these subdivision phases. The subdivision plats for the phases of this subdivision were recorded between June of 1965 and January of 1967. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for both subdivision phases, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ06-41, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.

9. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-42

J. Fulgham

A request to change the zoning classification from 'RD-5' Residential District - 5000 to 'R-NC' Residential Neighborhood Conservation District for all lots in the Copperfield Subdivision – Phase 10E, located in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the property owners within the Copperfield Subdivision, Phase 10E have submitted a complete petition for a City-initiated zoning change to an 'R-NC' Residential Neighborhood Conservation District on all 27 lots in this subdivision phase. The subdivision plat for this subdivision phase was recorded in April of 2000. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning, as requested.

The public hearing was opened.

Ms. Naomi Smith, of 3509 Spring Lane, Bryan, Texas came forward to speak in favor of the request.

The public hearing was closed.

Commissioner Beckendorf moved to recommend approval of Rezoning RZ06-42, as requested, accepting the findings of staff. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.

10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-43

R. Haynes

A request to change the zoning classification from 'RD-7' Residential District - 7000 to 'R-NC' Residential Neighborhood Conservation District for all lots in the Briarcrest Estates Subdivision – Phase 1, located in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the property owners within the Briarcrest Estates Subdivision, Phase 1 have submitted a complete petition for a City-initiated zoning change to an 'R-NC' Residential Neighborhood Conservation District for all 99 lots in this subdivision phase. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ06-43, as requested, accepting the findings of staff. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote. Commissioner Beckendorf did not participate in deliberation or voting on this agenda item due to a conflict of interest.

11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-44

R. Haynes

A request to change the zoning classification from 'RD-5' Residential District - 5000 to 'R-NC' Residential Neighborhood Conservation District for all lots in the Briarcrest Estates Subdivision – Phase 5, located in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the property owners within the Briarcrest Estates Subdivision, Phase 5 have submitted a complete petition for a City-initiated zoning change to an 'R-NC' Residential Neighborhood Conservation District on all 86 lots in this subdivision phase. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning RZ06-44, as requested, accepting the findings of staff. Commissioner Clark seconded the motion, and the motion

passed with a unanimous vote. Commissioner Horton did not participate in deliberation or voting on this agenda item due to a conflict of interest.

12. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-45

J. Dean

A request to change the zoning classification from 'RD-5' Residential District - 5000 to 'R-NC' Residential Neighborhood Conservation District for all lots in The Oaks Subdivision – Phase 8, located in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the property owners within The Oaks Subdivision, Phase 8 have submitted a complete petition for a City-initiated zoning change to an 'R-NC' Residential Neighborhood Conservation District on all 38 lots in this subdivision. The subdivision plats for this phase of this subdivision was recorded in May of 1977. All of the lots in the subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to recommend approval of Rezoning RZ06-45, as requested, accepting the findings of staff. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.

PROPOSED AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE (Commission makes recommendation; City Council has final approval.)

13. PUBLIC HEARING/CONSIDERATION

L. Guindi

Proposed amendment to the text of the Zoning Ordinance, specifically to remove oil and gas well operations from the list of permitted uses in 'A-O' Agricultural Open Districts.

Ms. Lindsey Guindi, Planning Manager, presented background information. Ms. Guindi advised the Commission that the text amendment proposes to remove oil and gas well operations from the list of permitted uses in 'A-O' Agricultural Open zoning districts. The 'A-O' district is intended to be a temporary zoning district until urbanization is warranted and the appropriate change in zoning classification is made. This amendment will prohibit oil and gas well operations, a use that could be detrimental to certain urban land uses. If approved, oil and gas well operations will be removed from the list of permitted uses in the 'A-O' District contained in Section 130-9(b) of the Zoning Ordinance.

Responding to a question from the Commission, Ms. Guindi advised that if the amendment were approved as proposed, oil and gas well operations would only be allowed in industrial zoning districts of Bryan.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to recommend removal of oil and gas well operations from the list of permitted uses in 'A-O' Agricultural Open Districts, but to potentially allow such uses in 'A-O' Agricultural Open Districts with approval of a Conditional Use Permit. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.

PROPOSED UPDATE TO THE COMPREHENSIVE PLAN (Commission makes recommendation; City Council has final approval.)

14. PUBLIC HEARING/CONSIDERATION

L. Guindi

Proposed update to the Comprehensive Plan, including maps and policies intended to guide growth and development in the City of Bryan and its extraterritorial jurisdiction.

Ms. Guindi presented background information.

The public hearing was opened.

Mr. Eddie Dink, of 5780 Linda Lane, Bryan, Texas came forward to voice his concerns about the proposed future land use map, specifically in the area around Beck Street, F.M. 2818 and Finfeather Road, where residential areas are shown to be in businesses or office use. He added concerns about fire protection as well as water and sewer service in this same area.

Mr. Kelly Templin, of 409 W. Brookside Drive, representing IPS Group advised the Commission that the proposed future land use map is not a zoning map, but an illustration of land use policies that are described in the Comprehensive Plan.

Ms. Sharon Anderson, of 2304 Cindy Lane, Bryan, Texas came forward to voice her concern about the proposed future land use map. Ms. Anderson stated her belief that the map shows a sense of uncertainty for the future.

Mr. Keith House, of 3502 Carter Creek Parkway, Bryan, Texas voiced his concern that people will look at the future land use map and not the land use policies in the Comprehensive Plan.

The public hearing was closed.

Commissioner Beckendorf moved to postpone making a recommendation concerning the update to the Bryan Comprehensive Plan to December 14, 2006, the next regular meeting of the Bryan Planning and Zoning Commission. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.

15. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 7:45 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **14th** day of **December, 2006**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission

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